

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Florida Power Corporation's Earnings, Including Effects of Proposed Acquisition of Florida Power Corporation by Carolina Power & Light

DOCKET NO. 000824-EI

Submitted for Filing: December 21, 2001

COMMISSION CLERK

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FLORIDA POWER CORPORATION'S OBJECTIONS TO CITIZENS' TWELFTH REQUEST FOR PRODUCTION OF DOCUMENTS TO FLORIDA POWER CORPORATION

Pursuant to § 350.0611(1), Fla. Stat. (2000), Fla. Admin. Code R. 28-106.206, and Fla. R. Civ. P.1.350, Florida Power Corporation ("FPC") objects to Florida's Citizens ("Citizens") Twelfth Request for Production of Documents (Nos. 142-150) and states as follows:

GENERAL OBJECTIONS

FPC objects to any request that calls for the production of documents protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law, whether such privilege or protection appears at the time the response is first made to these requests or is later determined to be applicable based on the discovery of documents, investigation or analysis. FPC in no way intends to waive any such privilege or protection.

In certain circumstances, FPC may determine upon investigation and analysis that documents that respond to certain requests to which objections are not otherwise asserted are confidential and proprietary and should be produced only under an appropriate confidentiality agreement and protective order, if at all. By agreeing to produce documents in response to this request, FPC is not

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waiving its right to insist upon appropriate protection of confidentiality by means of a confidentiality agreement and protective order. FPC hereby asserts its right to require such protection of any and all documents that may qualify for protection under the Florida Rules of Civil Procedure and other applicable statutes, rules and legal principles.

FPC further objects to these requests and any definitions or instructions that purport to expand FPC's obligations under applicable law.

FPC objects to any request that requires the production of "all" or "each" as it cannot give assurances, even after a good faith and reasonably diligent attempt, that "all" or "each" responsive document will be found. Indeed, it may well be impossible to assure compliance with the exercise of reasonable diligence.

FPC incorporates by reference all of the foregoing general objections into each of its specific objections set forth below as though pleaded therein.

Moreover, to the extent documents responsive to the requests have been previously produced, FPC will not be reproducing these documents but will attempt to make appropriate cross-references between and amongst the various requests.

SPECIFIC OBJECTIONS

Definitions

FPC objects to the definition of "FPC", "you", "your" or the "Company" as including Florida Progress Corporation, Progress Energy, Inc., and Progress Energy Service Company, LLC. FPC does not have an obligation under the rules to produce materials in the hands of these companies, but FPC agrees to do so in any event to expedite discovery, to the extent such documents are relevant to the issues in this case. FPC reserves the right to decline to produce

any materials that are not pertinent to the issues in the case. FPC further objects to the definition of “FPC”, “you”, “your” or the “Company” to the extent it includes third parties whose documents are not within its possession, custody, or control.

FPC objects to the definition of the term “management” or “manager” as overbroad and ambiguous. FPC will attribute the usual and customary meaning of this word to its use in these requests.

Instructions

FPC objects to the instructions calling upon FPC to provide designated information regarding any documents withheld from production to the extent it purports to expand FPC’s obligations. FPC will comply with its obligations under applicable rules of procedure.

FPC objects to the instruction to produce “originals” to the extent it purports to expand FPC’s obligations under the Uniform Rules and Florida Rule of Civil Procedure 1.350. FPC will comply with all applicable rules.

DOCUMENTS REQUESTED

- 142. Provide copies of all employee newsletters issued during 2001 to date.**

- 143. Provide workpapers showing, in detail, how each of the amounts in the adjustments columns on Exhibit MAM-5 were determined.**

- 144 Pay Stations / Business Offices. Provide a copy of any cost/benefit analysis conducted by or for the Company relating to the opening of the 150 new payment**

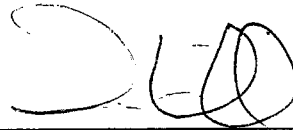
locations and the closing of 33 businesses offices discussed on page 12 of Mr.

Meyer's testimony and in the response to OPC Interrogatory No. 28.

145. **Property Insurance Expense.** Refer to the response to OPC Interrogatory 81. Provide all information received from the Company's insurers that the Company relied on in estimating that its non-nuclear property insurance costs would double from 2000 to 2001 and continue to rise in 2002.
146. **Medical Costs.** Refer to the response to OPC Interrogatory 82. Provide any information received from the Company's medical insurance providers regarding increases in rates/premiums between 2000, 2001 and 2002.
147. **Medical Benefits – Retirees.** Provide a copy of the information received from Buck Consultants regarding the estimate of the cost of incorporating the plan changes into the Progress Energy Plan referred to in response to OPC Interrogatory 83. Also, if the actuarial study referred to for 2001 and 2002 is now available, provide a copy of the study.
148. **Medical Benefits – Retirees.** The response to OPC 83 includes a 3-page attachment. The 3rd page is a page for an actuarial study by Hewitt Associates. Provide a copy of the complete actuarial study conducted by Hewitt Associates for which the page is from.

149. **Miscellaneous Benefits. Refer to the response to OPC Interrogatory 84. Provide a copy of the new Restricted Stock Grant program.**
150. **Provide all supporting workpapers for the MFR schedules identified in interrogatory 135.**

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of foregoing has been furnished via hand delivery (where indicated by *) and via U.S. Mail to the following this 21st day of December, 2001.

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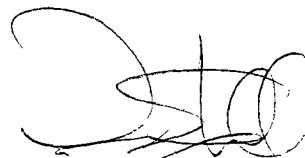
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